

RABINOWITZ, LUBETKIN & TULLY, L.L.C.

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Counsel to Defendants FBNK Finance S.a.r.l.

and Digital Commerce Strategy AG

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

P8H, INC., d/b/a PADDLE 8,

Debtor.

Case No. 20-10809 (smb)

Chapter 11

MEGAN E. NOH, in her capacity as the Chapter 11
Trustee of P8H, INC., d/b/a PADDLE 8,

Plaintiff,

Adv. No. 20-01212 (smb)

Hearing Date and Time:
12/9/2020 at 10:00 a.m.

v.

Opposition Deadline:
12/2/2020

JOHN TEXTOR, also known as JOHN C. TEXTOR,
an individual, FUBOTV, INC. (formerly known as
FACEBANK GROUP, INC.), a Florida corporation,
DIGITAL COMMERCE STRATEGY AG (formerly
known as FACEBANK AG), a Swiss joint stock
company, FBNK FINANCE S.À.R.L., a Luxembourg
limited liability company, and STOCKACCESS
HOLDINGS SAS, a French joint stock company,

Defendants.

**NOTICE OF MOTION TO DISMISS CLAIMS AGAINST DEFENDANTS FACEBANK
GROUP, INC. AND DIGITAL COMMERCE STRATEGY AG PURSUANT TO F.R.C.P.
12(b)(6) AND F.R.B.P. 7012**

PLEASE TAKE NOTICE that on December 9, 2020 at 10:00 a.m. via a Court Solutions
teleconference (the “Hearing”), FBNK Finance S.a.r.l. (“FBNK”) and Digital Commerce

Strategy AG (“Digital Commerce” and, together with FBNK, the “Defendants”), shall move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green, New York, New York 10004, for entry of an order dismissing all claims against the Defendants in the complaint filed by Megan E. Noh, Chapter 11 Trustee in the above captioned adversary proceeding pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Rule 7012 of the Federal Rules of Bankruptcy Procedure (the “Motion”).

PLEASE TAKE FURTHER NOTICE that, in accordance with General Order M-543 dated March 20, 2020, the Hearing will be conducted telephonically. Any parties wishing to participate must do so telephonically through CourtSolutions (www.court-solutions.com). Instructions to register for CourtSolutions LLC are attached to General Order M-543. Any objections to the relief requested in the Motion must comply with the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court for the Southern District of New York, and shall be filed with the Court (a) by registered users of the Bankruptcy Court’s case filing system, electronically in accordance with General Order M-399 (which can be found at <http://www.nysb.uscourts.gov>) and (b) by all other parties in interest, on a CD_ROM, in textsearchable portable document format (PDF) (with a hard copy delivery directly to Chambers, in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, and served so as to be actually received no later than December 2, 2020 (the “Objection Deadline”) on counsel for the Defendants, Rabinowitz, Lubetkin & Tully, LLC, 293 Eisenhower Parkway, Suite 100, Livingston, New Jersey 07039 (Attention: Jonathan I. Rabinowitz, Esq.).

PLEASE TAKE FURTHER NOTICE that only those responses that are timely filed, served and received by the Objection Deadline will be considered at the Hearing. Failure to file a timely objection may result in entry of a final order granting the Motion as requested by the Defendants without further notice.

RABINOWITZ, LUBETKIN & TULLY, LLC
Counsel to Defendants FBNK Finance S.a.r.l.
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DATED: November 16, 2020